

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:05-cr-240-03

v.

HONORABLE PAUL L. MALONEY

LUIS ARTURO ORTEGA-MONDRAGON

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant Luis Arturo Ortega-Mondragon has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 706 and 711 of the United States Sentencing Guidelines modified the Drug Quantity Table with regard to cocaine base (crack cocaine). These modifications were made retroactive effective March 8, 2008. U.S.S.G. § 1B1.10(c).

As Defendant is currently serving a term of imprisonment based on an offense which involved powder cocaine, and not cocaine base, the Court is not authorized to reduce his term of imprisonment based upon the modifications to the sentencing guidelines. Accordingly,

IT IS HEREBY ORDERED that Defendant Luis Arturo Ortega-Mondragon's motion

for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (Dkt. #131) is **DENIED**.

Date: May 12, 2008

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge